

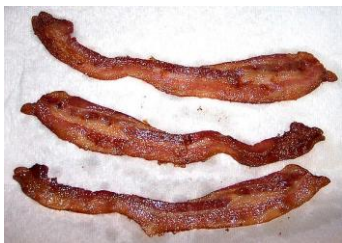
mmmm Davis-Bacon



Complying with Davis-Bacon Requirements

David Dunn – Ecology
Cathy Brockmann– Commerce

Bacon!



Not Kevin Bacon



Or a bacon statue of Kevin Bacon



Davis-Bacon

- Davis-Bacon Act of 1931 passed in response to the great depression.
 - Senator James Davis
 - Representative Robert Bacon



Davis-Bacon applies to:

- Contracts with the federal government.
Or
- Certain federally assisted contracts.
- For construction, alteration, or repair projects.
- For public buildings or public works projects.
- For contracts for \$2,000 or more.

Davis-Bacon only applies to construction contracts for more than \$2,000

- Not consulting engineers.
- Not municipal staff.
- Not construction management.
- Not materials testing.
- Not supplies or equipment purchase.

Davis-Bacon requirements apply to:

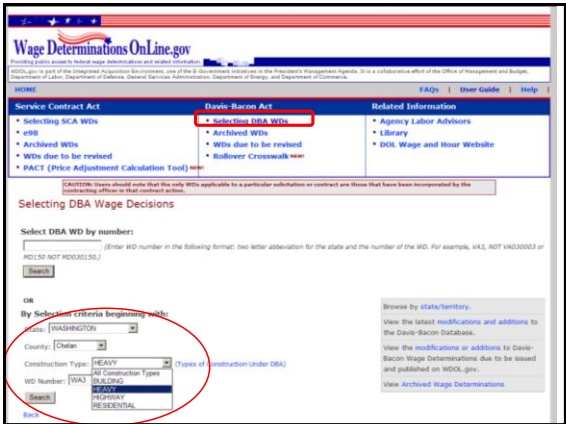
- Clean Water and Drinking Water SRF funded projects since 2010.
- CDBG grants (All HUD programs).
- Separate state prevailing wage laws apply to all public works projects Statewide.

Bid phase requirements for recipients

- Include required language in bid package, advertisement and the contract.
- Include the most recent Wage Determination (or Decision) for your area in the bid package and the contract.
- Check for changes to wage determination 10 days prior to bid opening.

What is a Wage Determination?

- List of the prevailing wages for similar construction in your area of the state.
- Divided into 4 “schedules”.
 - Heavy, Highway, Residential, and Building
- Each schedule contains wage rates for specific job classifications.
- Can be found at www.wdol.gov



Which Wage Determination Schedule is the “Right one”?

- Residential – Single Family Houses and apartment complexes.
- Building – Other enclosed structures.
- Highway – Almost anything paved.
- Heavy – Everything Else (including Water and Wastewater projects)
- Some projects require multiple schedules
 - 20% rule for incidental components

Enter WD number in the following format: two letter abbreviation for the state and the number of the WD. For example, WA2, NOT WA000003 or WD150 NOT WD000150.

Search

OR

By Selection criteria beginning with:

State:

County:

Construction Type: (Types of Construction Under DBA)

WD Number:

Search

Browse by state/territory.

View the latest modifications and additions to the Davis-Bacon Database.

View the modifications or additions to Davis-Bacon Wage Determinations due to be issued and published on WDOL.gov.

View Archived Wage Determinations

Your search returned the following results:

Wage Determination	Construction Type
Display WA20100105	HEAVY
Display WA20100105	HEAVY
Display WA20100105	HEAVY

Back

Wage Determinations OnLine.gov

HOME

Service Contract Act

- Selecting SCA WDs
- eDB
- Archived WDs
- WDs due to be revised
- PACT (Price Adjustment Calculation Tool)

Davis-Bacon Act

- Selecting DBA WDs
- Archived WDs
- WDs due to be revised
- Bidder Crosswalk

Related Information

- Agency Labor Agreements
- Library
- DOL Wage and Hour Website

CAUTION: Users should note that the only WDs applicable to a particular solicitation or contract are those that have been incorporated by the contracting officer in that contract action.

Selecting DBA Wage Decisions

The Wage Determination you have requested is below.

Please scroll down to review the WD carefully to ensure that it is appropriate for the specific contract action.

General Decision Number: WA20100105 01/06/2012 WA20100105

Superseded General Decision Number: WA20100105

State: Washington

Construction Type: Heavy Sewerage

County: Chelan County in Washington.

DETERMINED CONSTRUCTION PROJECTS (Including Sewer/Water Construction)

Publication Date

Display WA20100105

Sign Up for Alert Service

Find Another WD

Exit

Enter WD number in the following format: two letter abbreviation for the state and the number of the WD. For example, WA2, NOT WA000003 or WD150 NOT WD000150.

Search

OR

By Selection criteria beginning with:

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County:

Construction Type: (Types of Construction Under DBA)

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Untitled - Notepad

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Find Another WD

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By Selection criteria beginning with:

State:

County:

Construction Type: (Types of Construction Under DBA)

WD Number:

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Browse by state/territory.

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Display WA20100105	HEAVY
Display WA20100105	HEAVY
Display WA20100105	HEAVY

Back

What if DOL issues a new wage determination?

- The wage determination must be updated if:
 - The wage determination changes more than 10 days before bid opening.
- OR -
- The contract is not awarded within 90 days of bids closing.
- Check wdol.gov 10 days before bid opening.
- **BEST PRACTICE:**

County: Chelan County in Washington.

HEAVY CONSTRUCTION PROJECTS (including sewer/water construction).

Display WA20100105

Sign Up for Alert Service

Find Another WD

Untitled - Notepad

General Decision Number: WA10090 08/03/2012

Superseded General Decision Number: WA20100105

State: Washington

Construction type: Heavy
Including water and sewer line construction

County: Chelan County In Washington

HEAVY CONSTRUCTION PROJECTS (Including sewer/water construction)

Modification Number: 0
1
2
3

Publication Date: 01/06/2012
03/16/2012
06/06/2012
08/03/2012

CARP0770-002 06/01/2011

Rates

CARPENTER (Including Forework)...\$ 25.25

MILLWRIGHT.....\$ 36.39

(HOURLY ZONE PAY: WESTERN AND CENTRAL WADSWORTH CLASSIFICATIONS EXCEPT MILLWRIGHTS AND PILES)

Hourly zone pay shall be paid on jobs located outside of the free zone computed from the city center of the following listed cities:

Seattle Olympia Bellingham
Auburn Bremerton Anacortes
Renton Shelton Yakima
Aberdeen-Hoquiam Tacoma Wenatchee
Ellensburg Everett Port Angeles
Centralia Mount Vernon
Chelan PT. Townsend Sunnyside

Zone Pay:
0 -25 radius miles Free
26-35 radius miles \$1.00/hour
36-45 radius miles \$1.15/hour
46-55 radius miles \$1.35/hour
over 55 radius miles \$1.55/hour

If preparing bid specs in May, we would have used mod-1.

If bid will be opened after July 16, update to mod-2.

If the bid opened July 15, but the contract is not awarded before October 13 (90 days) update to mod-3.

Or mod-4, if mod-4 is issued between now and October 13.

What if a classification is not on my determination?

- Generally try to use the existing classifications.
 - Can an existing classification perform the work?
- Additional wage rate classifications can be requested from DOL.
 - Use Form SF-1444
 - Give the request to your funding agency
- Try to get agreement on the wage determination before hand.
 - Contractor
 - Laborer
 - Funding recipient
- “Reasonable” compared to other wage rates already in the determination.
- Identify additional classifications early
- Coordinate with the contractor at the pre-con meeting.

Wages and Fringe benefits

- The prevailing wage is the base rate + fringe shown.

	Rates	Fringes	
CEMENT MASON/CONCRETE FINISHER...	\$ 24.50	6.30	= \$30.80
LABORER: Common or General (Water and Sewer Lines).....	\$ 20.79	4.63	
LABORER: Landscape and Irrigation.....	\$ 12.27	2.73	
OPERATOR: Asphalt Plant.....	\$ 34.14	0.68	

- Contractor can pay any combination of base rate and bona fide benefit
- \$30.80 Base Rate + \$0.00 Fringe
- \$24.50 Base Rate + \$6.30 Fringe
- \$15.00 Base Rate + \$15.80 Fringe
- \$8.67 Base Rate + \$22.13 Fringe

What are fringe benefits?

- Health Insurance
- Paid vacation or sick leave
- Paid holidays
- Pension plans
- 401k contributions

What about overtime pay?

- Federal overtime standards are based on 40 hours per week
- Workers are paid 1.5 times their base rate for every hour of overtime.
- Fringe benefits do not increase for overtime pay.
- Zone pay is an increase in the base rate, so zone pay is increased for overtime pay.
- State Prevailing overtime may be different.

What is “Zone Pay”?

Hourly zone pay shall be paid on jobs located outside of the free zone computed from the city center of the following listed cities:		
Seattle	Olympia	Bellingham
Auburn	Bremerton	Anacortes
Renton	Shelton	Yakima
Aberdeen-Hoquiam	Tacoma	Wenatchee
Ellensburg	Everett	Port Angeles
Centralia	Mount Vernon	Sunnyside
Chelan	PT. Townsend	
Zone Pay:		
0 -25 radius miles	Free	
26-35 radius miles	\$1.00/hour	
36-45 radius miles	\$1.15/hour	
46-55 radius miles	\$1.35/hour	
over 55 radius miles	\$1.55/hour	

- Zone pay applies if the job is located outside of listed cities.
- Zone pay is added to the base rate.
- This can affect overtime calculations

What about State Prevailing Wages?

- You must also check the state prevailing wage rates.
- The contractor must pay the higher of the two rates.
- Intent to pay and the Affidavit are submitted by the contractor to L&I

Contractor requirements

- Pay workers at least the prevailing wage.
- Pay weekly.
- Post wages on job site.
- Post information posters at job site.
- Provide certified payrolls to project owner. (WHD-347)
- Document Fringe Benefits.
- Ensure subcontractor compliance with the requirements.

Construction phase requirements for recipients

- Collect Payrolls and certification statements (WHD-347).
 - Keep these in your files for 3 years.
- Review the payroll forms.
 - (are wages correct? In fringe calculation correct? Is the classification right)
 - At least twice for every contractor and sub contractor.
 - First check within two weeks of first payroll.
 - If you have any questions, ASK.
- Conduct wage interviews (use form SF-1445 or HUD-11).
 - EPA and HUD have different requirements.
- Certify that Davis-Bacon requirements are being met.
 - Certify to ECY and Commerce as part of progress report.
- Check apprentice to journeyman ratio and certifications.
 - (Only if apprentices or trainees are working on the job.)

State Involvement

- Provides standard Specification language for your contracts.
- Always available to answer questions.
- Ecology site inspections include a bookkeeping checklist. We will review your paperwork onsite.
- Commerce reviews your 21-day labor packet.
- Coordinate request for additional classifications.

Any Final Questions?

Additional information

- david.dunn@ecy.wa.gov 360/407-6503
 - cathy.brockmann@commerce.wa.gov 360/725-3087
- Commerce:
- CDBG site:
<http://www.commerce.wa.gov/Programs/Infrastructure/CDBG-Program-Overview/Pages/default.aspx>
 - Drinking Water SRF:
<http://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/WaterSystemAssistance/DrinkingWaterStateRevolvingFundDWSRF.aspx>
- Ecology
- Clean Water Funding:
<http://www.ecy.wa.gov/programs/wq/funding/funding.html>
 - Grant and Loan listserv: <http://www.ecy.wa.gov/maillist.html>

Thank You